

Title 49 CFR, Part 390

Federal Motor Carrier Safety Regulations; General

General Applicability

The Federal Motor Carrier Safety Regulations (FMCSR) applies to all employers, employees and commercial motor vehicles transporting property or passengers in interstate/intrastate commerce.

Commercial Motor Vehicle

Any self propelled or towed vehicle used on public highways in interstate/intrastate commerce to transport passengers or property under one of the following conditions:

- Vehicles has gross vehicle weight rating (GVWR) or gross combination weight rating of 10,001 or more pounds;
- Vehicle is designed to transport more than 15 passengers, including the driver;
- Designed or used to transport more than 8 passengers (including the driver) for compensation; or
- Vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under the Hazardous Materials Transportation Act (HMTA) Regulations.

Exceptions to General Applicability

Transportation provided by Federal, State, Local or Congressionally approved interstate agencies is exempt from the FMCSR's. Occasional non-commercial transport, school buses, ambulance services, hearses and fire and rescue vehicle operations are also exempt.

What is an accident?

An occurrence involving a commercial motor vehicle operating on a public road that results in at least one of the following:

- A fatality;
- Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident;
- Disabling damage to one or more motor vehicles, requiring the vehicle(s) to be towed or otherwise transported from the scene by a tow truck or other vehicle.

Accident Register

For a period of one year after an accident occurs, motor carriers are required to maintain an accident register containing the following information;

- Time and place of accident;
- Driver's name
- Number of injuries and fatalities
- Hazardous materials released if any, (other than fuel)

**Vehicle
Identification**

Motor Carriers are also required to maintain copies of all accident reports required by state or other governmental entities or insures for a period of one year after an accident occurs.

Every commercial motor vehicle operated by a motor carrier in interstate/intrastate commerce must be marked on both sides of the vehicle with the following:

- Name of motor carrier, or trade name
- The motor carrier's identification number preceded by USDOT for interstate carriers and followed by UT for intrastate carriers.

**Relief from
Regulations
During
Emergencies**

Relief from Parts 390-399 of the FMCSR's may be granted during declared emergencies to any motor carrier who provides emergency assistance.

ACCIDENT REGISTER

COMPANY NAME:

[illegible]

Note: This form is not mandatory, however the information contained herein is illustrative of information required in Part 390.15

Part 390 TRUCKING DEFINITIONS

In government language what most people call a “trucker” or a “trucking company” is called a “motor carrier” or sometimes just a “carrier”. If filling out a form asking what kind of trucking activities you are engaged in, these simplified definitions may be helpful. The word “company” is used below to mean any person, partnership, corporation, etc., engaged in these activities.

Motor Carrier: A company that provides truck transportation. There are two types of motor carriers, **Private** and **for-hire**. To operate either company must register with UDOT/FMCSA by filing a **Form MSC-150**.

Private Carrier: Company that provides truck transportation of **its own cargo**.

For-Hire Carrier: A company that provides truck transportation of **cargo belonging to others** and is **paid for doing so**. To operate as a for-hire carrier, a company must **also** register with FMCSA by filing a **Form OP-1**. There are two types of for-hire carriers, **common carriers** and **contract carriers**. A for-hire carrier may be both a common and a contract carrier, and must file separate registrations to obtain both licenses.

Common Carrier: Before January 1, 1996, this was a company providing for-hire truck transportation to the general public. The services offered and the prices charged were published and were the only prices the common carrier could charge.

Contract Carrier: Before January 1, 1996, this was a company based upon private contracts between the carrier and each shipper, stipulating the services offered and the prices charged.

Selecting “Common” or “Contract”: The OP-1 form requires an applicant to designate whether it is registering as a “common carrier or a “contract carrier”. The *Act* specifically authorizes FMCSA to register applicants as either common or contract. The distinction between the two types is common carrier must file proof of cargo insurance while contract carriers are not required to do so.

Freight Forwarder: A company that *arranges* for transportation of cargo belonging to others, utilizing for-hire carriers. Forwarders typically assemble/disassemble then consolidate less-than-truckload (LTL) shipments. Forwarders must register with FMCSA by filing a **Form OP-1 (FF)**.

Broker: Company that *arranges* transportation of cargo belonging to others, utilizing for-hire carriers to provide the actual truck transportation. The Broker *does not* take possession of the cargo. Brokers must register with FMCSA by filing a **Form OP-1**.

These trucking definitions are simplified for easier understanding. Legally acceptable definitions of these activities are longer, more complex, and supported by the results of administrative proceedings, court decisions and judicial opinions. If there is any question about the applicability of these simplified definitions, a legal authority should be consulted.